

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID LEE WOMACK

Plaintiff

V.

JOSEPH V. SMITH, ET AL

Defendants

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CIVIL ACTION 1: 06-CV-2348
(Judge Conner)

CLERK'S TAXATION OF COSTS

September 14, 2012

Defendants in this case prevailed at trial and filed a bill of costs in the amount of \$13,193.79 for deposition costs, witness fees and copying charges. Through his counsel, the plaintiff claims he should not be liable for costs, citing financial reasons. While there is a strong presumption in favor of awarding taxable costs to the prevailing party, the plaintiff here makes a compelling argument, supported by an affidavit of indigence, that he simply can't satisfy an award of costs against him either now or at any time in the future. See Reger v. The Nemours Foundation, Inc., 599 F.3d 285, 289 (3d Cir. 2010); In re Paoli Railroad Yard PCB Litigation, 221 F.3d 449, 462-63 (3d Cir. 2000).

THEREFORE, IT IS HEREBY ORDERED THAT the defendants' bill of costs is denied.

Any party may appeal this decision to the court within seven days. Written specifications of the items objected to and the grounds of objections must be filed and served within seven days. LR 54.3.

s/ Mary E. D'Andrea
MARY E. D'ANDREA, Clerk